



# Minutes

## College Education Committee

MEETING NO. CEC 5/2022

DATE / TIME 7 September 2022, 2.00pm

VENUE Building 7, Law School, Room 7.3.9, Boardroom

### ATTENDING

Wayne Morgan	Associate Dean (Education)
James Stellios	Head of School
Anne Macduff	Director, Teaching & Learning
Ron Levy	Director, LLB(Hons) and JD programs
Nicole King	Manager, Student and Education Support
Sharon Elliott	Education Development
Lajawn Moon	PARSA Representative
Tristan Yip	PARSA Representative
Henry Palmerlee	LSS Student Representative

Russell Atkinson	Secretariat
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### OBSERVERS

Benjamin Kooyman	Learning Adviser, ANU Academic Skills (Observer)
Ben Yates	ANUSA General Secretary

### APOLOGIES

Niamh Brazil	LSS Student Representative
Ntina Tzouvala	Director, PG Programs

## Part 1 Procedural Items & Chair's Report

### 1. Apologies & Announcements

#### 1.1 Apologies

- Ntina Tzouvala Director, PG Program
- Niamh Brazil LSS Student Representative

#### 1.2 Announcements

The Chair welcomed Professor Stelliou to his first meeting as Head of School and noted the ANUSA General Secretary had been invited to attend to speak to item 7.2.

### 2. Minutes and Matters arising

#### 2.1 Minutes

The minutes of CEC 4/2022 were accepted.

#### 2.2 Action Items from CEC 4/2022

Reference	Action Item	Staff Responsible	Resolution
Item 4 CEC 5/2020	Wayne will coordinate a separate small working group to discuss what constitutes course content.	Wayne Morgan	<b>Ongoing</b>
Item 8.1 CEC 2/2022	The College Student Education Services team will work on the whole of college model for student course representatives for implementation in Semester One 2023.	CSES team	<b>Ongoing</b>
Item 4.4 CEC 4/2022	Review courses for addition to specialisations. Add the following to PULA-SPEC <ul style="list-style-type: none"><li>• LAWS8144 Conflict of Laws</li><li>• LAWS8474 Climate Law</li><li>• LAWS8415 Environmental Law</li></ul> To be recorded in the specialisation update for 2024	CSES team, Program Directors and AD(E)	<b>Completed</b> – Noting that this will be reviewed periodically on an ongoing basis

### 3. Report from the Chair

Our return to campus this semester, particularly in the undergraduate space, has gone very well.

Student attendance in classes has not yet reached the pre COVID level and hopefully over time, attendance will pick up. There have been some COVID cases, both among academic staff and students, which has meant that a small number of classes have had to revert to online delivery.

Interestingly, a common question from parents on open day concerned whether we were teaching back on campus. It appears there is dislike of university classes remaining online.

There are some big projects currently underway across the university. Each of the three working groups focused on the graduate attributes have now sent a report to the DVC(A).

The curriculum reform working group will continue to work through the proposed reforms to the undergraduate programs here at the university, including the LLB program. Professional degrees are producing some difficulties fitting the university's plans. Working groups have not yet discussed professional degrees so it's not yet clear what impacts the graduate attributes and curriculum reforms will have for the college.

The Council of Australian Law Deans (CALD) periodically has a process whereby all law schools in Australia can receive accreditation with CALD in terms of satisfying the CALD Standards for Legal Education. These standards relate to a broad range of matters, including our facilities (including classrooms), our library and library collection, through to our educational programs. The college is currently going through this CALD accreditation process. This involves organising the necessary documentation and our accreditation report will be submitted to CALD in November.

The Chair thanked all those involved in the work for CALD accreditation: professional staff overseen by Nicole King as College Student and Education Support Manager, Sharon Elliott as Senior Education Developer, who have both done an enormous amount of work with respect to the report. In addition, the College Finance and HR teams and the Executive Officer have assisted in providing material for the report.

## Part 2 Programs and Courses Accreditation

### 4 Programs and Courses Accreditation

#### 4.1 Course Amendments

The Committee approved the following Course amendments.

##### **LAWS8407 Digital Economies and the Law**

- Reverting to 2020 version to take effect in 2023 because of staff changes.
- Will be removed from the International Law specialisation, though that will not be updated until 2024.

s22 - Access to edited copies with exempt or irrelevant matter deleted

##### **LAWS4276 Chinese Law and Society**

- Update of learning outcomes to take effect in 2023.

s22 - Access to edited copies with exempt or irrelevant matter deleted

##### **LAWS8405 Artificial Intelligence, Law and Society**

- Update of learning outcomes to take effect in 2023.

s22 - Access to edited copies with exempt or irrelevant matter deleted

##### **Compulsory Course Amendments**

Update to learning outcomes following recommendations from the LLB (Hons) and JD Review and the addition of a statement providing coverage of the Academic Requirements for Admission to Practice in each P&C description.

- LAWS1201 Foundations of Australian Law
- LAWS6101 Foundations of Australian Law
- LAWS1203 Torts
- LAWS6103 Torts
- LAWS1204 Contracts
- LAWS6104 Contracts
- LAWS1205 Australian Public Law
- LAWS6105 Australian Public Law
- LAWS1206 Criminal Law & Procedure
- LAWS6106 Criminal Law & Procedure
- LAWS2201 Administrative Law
- LAWS6201 Administrative Law
- LAWS2202 Commonwealth Constitutional Law
- LAWS6202 Commonwealth Constitutional Law
- LAWS2203 Corporations Law
- LAWS6203 Corporations Law
- LAWS2204 Property

The Australian National University

- LAWS6204 Property
- LAWS2205 Equity & Trusts
- LAWS6205 Equity & Trusts
- LAWS2207 Evidence
- LAWS6207 Evidence
- LAWS2244 Litigation & Dispute Management
- LAWS6244 Litigation & Dispute Management
- LAWS2249 Legal Theory
- LAWS6249 Legal Theory
- LAWS2250 International Law
- LAWS6250 International Law

#### **Clinical Course Amendments**

Update to learning outcomes of the clinical courses to align to the 2022 course review recommendations.

- LAWS4302 International Law Clinic
- LAWS6302 International Law Clinic
- LAWS4304 Prison Legal Literacy Clinic
- LAWS6304 Prison Legal Literacy Clinic
- LAWS4268 Community Law Clinic
- LAWS6268 Community Law Clinic
- LAWS4284 Public Interest Law Clinic
- LAWS6284 Public Interest Law Clinic
- LAWS4313 Kimberley Aboriginal Justice Clinic
- LAWS6313 Kimberley Aboriginal Justice Clinic
- LAWS4267 Youth Law Clinic
- LAWS6267 Youth Law Clinic
- LAWS4278 Indigenous Community Legal Clinic
- LAWS6278 Indigenous Community Legal Clinic
- LAWS4281 Environmental Law Clinic
- LAWS6281 Environmental Law Clinic

## Part 3 Items for Discussion/Noting

### 5. Council of Australian Law Deans (CALD) Certification

The ANU College of Law is currently working towards the CALD certification process in the second half of 2022.

The intention underlying the certification process is to encourage Law Schools to pursue excellence in their operations, culture, mission and vision. The CALD support this, in part, by providing a set of Standards against which Law Schools can measure their performance.

In recognition of diversity, the Standards seek to acknowledge the unique identity of each Law School and are designed to be broad enough to accommodate differences between them. It is a guiding principle that the Standards should be interpreted sufficiently flexibly so as not to inhibit innovation or local application.

The Standards are wide-ranging and cover not only educational matters and infrastructure requirements, but also broader matters such as the Law School's mission and the values it embodies and promotes. In these broader areas, the Standards are concerned in essence with academic leadership and aspirational pursuits; recognising the importance of equipping graduates to serve the community as good lawyers in more ways than simply technical competence.

Finally, the Standards are intended to complement, rather than supplant, other standards or regulatory documents.

The Committee noted the substantial work being completed by College Student and Education Support, and other professional staff of the college under the co-ordination of the AD(E).

### 6. Minimum course enrolment numbers for application of scaling

The University's [Student Assessment \(Coursework\) Policy](#) details the policy framework for assessment and grading at the ANU. The grades, numerical marks and standards set out in Table 1 of the Policy apply to ANU College of Law coursework programs.

Clause 65 of the Policy sets out an obligation to review/moderate student results before they are finalised. That clause states:

*The assessment tasks and the judgements made of student learning in a course are reviewed before the final mark or grade is approved to ensure that the judgements of student performance are appropriate, consistent, transparent, reliable and valid.*

The method of moderation in the ANU College of Law involves the application of a mandatory distribution of grades guideline for all LLB/LLBHons and JD law courses.

#### **ANU College of Law Grading Distribution Policy**

The ANU College of Law will continue to work with a statistician and educational experts to advise on scaling practices and the development of a final scaling policy consistent with the use of criteria-based assessment.

## Scaling Guideline

Grades awarded for all LLB (Hons), and JD law courses are currently governed by the College's Scaling Guideline (SG).

The Scaling Guideline has been effective from Winter Session 2018 as an Interim Scaling Guideline and formalised from 2020. This Guideline applies to all LLB (Hons) and JD courses, unless very small numbers of students in a course makes application of the Guideline not viable. It provides that the following guidelines apply to all scaling for law courses within the LLB (Hons) and JD programs (not applicable to LAWS8xxx courses undertaken in the JD).

### Effective from Semester 2 2019

High Distinction 90+	At least 6% of students in the course.
High Distinction 80+	At least 6% of students in the course.
Distinctions	At least 32% of students in the course.
Credits/Passes	Not specified.

The Committee noted that some convenors had raised an issue regarding courses with small numbers to which the scaling guideline should not be applied, seeking clarification concerning what the minimum enrolment was. The committee discussed the issue and decided to seek the advice of the statistician who originally advised on the scaling guideline.

## 7. AQAC Feedback items

### 7.1 Recording of Teaching Activities Policy and Procedure Review

The Recording of Teaching Activities Policy and Procedure were endorsed by AB 2/2016 (3 May 2016), approved by the Vice-Chancellor and published on 11 May 2016. At the time, the Education Standards and Quality Committee (ESQC) discussed the creation of the policy and procedure and noted in particular that "feedback from students highlighted the importance of recording activities to avoid students from being disadvantaged if they are unable to attend the class. Equally, staff identified that the policy needs to be balanced by a clear catalogue of acceptable reasons for opting out of recording yet being aware that the University has accessibility obligations for students from varying backgrounds and levels of ability".

As per the policy governance framework and in line with the expectations from our regulator the Tertiary Education Quality and Standards Agency (TEQSA) and the Higher Education Standards Framework 2021, policy documents are required to undergo regularly review. The Recording of Teaching Activities policy documents were due for review in 2019. As part of a university wide initiative to address overdue policy documents, this policy was assigned to the Pro Vice-Chancellor (Education and Digital) in AQAC 1/2022 (16 February 2022 - item 28) to lead the review.

In August 2022, with consultation and input from the Centre for Learning and Teaching (CLT), the Information Technology Services (ITS) and the Division of Student Administration and Academic Services (DSAAS), the review of the policy and procedure was undertaken.

The proposed amendments are included in the agenda for AQAC5/2022 for the Committee's review. Feedback is to be sent through by 29 September 2022. A final version of the policy and procedure will be tabled at AQAC6/2022 seeking the committee's endorsement to send the policy documents to Academic Board for approval at 6/2022 (29 November 2022).

The committee noted that the proposed amendments were technical in nature and did not substantively change the policy. The committee discussed the fact that the policy remained one of crucial interest to both law academic staff and students, with many staff seeing a link between the recording policy and a lack of student attendance and engagement. There were increasing requests from academic staff that the AD(E) exempt specific courses from recording.

Student representatives noted the importance of recording to students.

The Chair noted that a University Working Group would be convened in 2023 to further review the policy. The Chair would represent the college on that Working Group and convey the views of the college.

## 7.2 Standardisation of word limit penalties in Student Assessment (Coursework) Policy and Procedure

The Chair invited the ANUSA General Secretary to speak to this item.

ANUSA has received feedback that dramatically divergent approaches to word limit penalties across different areas of the University confuses students and has, at least in some circumstances, led to students receiving penalties because of misunderstandings as to what policy applied. Students are also reporting that some staff members share this confusion.

As there is no standardised policy position on word limit penalties, ANUSA is of the view that a policy position is needed for consistency. A consistent policy on word limits and penalties could be clearly communicated and would ease the transition for first year students, rather than being obliged to learn a range of policies and navigate courses where no obvious policy applies. Amendments could be made to the Student Assessment (Coursework) policy and procedure.

ANUSA investigated what policies are in use across the University. Two key college-wide policies were obvious: the CASS policy and ANU CoL policy. The CASS policy is that students may write 10% more or less than the set word limit. A paper falling outside this bracket is penalised 10%. The ANU CoL policy provides that "the mark which is awarded initially will be reduced by half the proportion by which the word limit has been exceeded, e.g. if the word limit is 2,000 words, and the paper submitted is 3,000 words long, then the initial mark would be reduced by 25% of that mark".

The CASS policy has the advantage of simplicity; however students were concerned that there is something of a harsh arbitrariness to the flat penalty imposed on the word that goes beyond 110% of the word limit. However, the policy is, anecdotally, applied in a number of other Colleges and disciplines and is the policy with which students are most familiar. The College of Law policy produces the most proportional result by keeping a smooth 'marginal penalty' for each extra word over the word limit. However, it is technical and may be confusing for some convenors to apply. It would also be more difficult to communicate to students.

ANUSA has consulted with students in different discipline areas in producing a recommendation that ANU should harmonise penalty policy. ANUSA believes that a standardised policy would reduce

confusion, especially for students studying across multiple disciplines (e.g. Flexible Double Degrees). Moreover, ANUSA notes that a standardised proportionate policy would avoid outlier cases of students being excessively penalised.

ANUSA seeks feedback by 29 September with a view towards bringing drafted policy to AQAC 6/2022, depending on feedback.

The committee discussed the proposal and the Chair noted that he would provide feedback to AQAC that, should the University adopt a standardised policy, the current policy of the ANU College of Law should be adopted.

## Part 4 Reports

### 8. Reports and Issues raised by Student Representatives

#### 8.1 The committee received reports from Student Representatives

##### **Law Students' Society (LSS)**

- Feedback received from students applauding the decline in problem based COVID scenarios in Exams. Students have been overwhelmed by these scenarios and are grateful for the decline.
  
- Some students are tentative about paying hundreds of dollars for textbooks and would appreciate a reason being provided as to why a Convenor has selected a certain textbook.
  - The committee will pass along this feedback to Convenors.
  - The college has advised that the textbook bursary was undersubscribed this year with low student uptake. This bursary has been advertised in multiple channels and will assist with the cost of textbooks.

##### **ANU Students' Association (ANUSA)**

- No report received

##### **Postgraduate and Research Students' Association (PARSA)**

- Recurring complaints have been received from students regarding discrepancies in some Courses regarding word limits.
  - Two separate word limits are being posted for a course (assuming a copy and paste between LLB and JD Course versions).
  - PARSA will find out what courses were affected and notify the College for review in the future.

### 9. Reports from College Directors and Heads of School

#### 9.1 The Committee received a report from College Directors and Head of School

##### Head of School

- Nothing to report

##### Director - LLB/JD

- Nothing to report

##### Director - LLM

- Nothing to report

## Part 5 Any Other Business / Forward agenda items

### Next Meeting

Next Meeting CEC 6/2022 30 November 2022

### Action Items

Reference	Action Item	Staff Responsible
<b>Item 4 CEC 5/2020</b>	Coordinate a separate small working group to discuss what constitutes course content	Wayne Morgan
<b>Item 8.1 CEC 2/2022</b>	The College Student and Education Services team will implement a whole of college model for student course representatives for implementation in Semester One, 2023.	CSES team
<b>Item 6 CEC 5/2022</b>	Chair to contact statistician regarding Scaling Policy.	Wayne Morgan